

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

INDICTMENT FOR HEALTH CARE FRAUD

UNITED STATES OF AMERICA	*	CRIMINAL ACTION	
VERSUS	*	NUMBER:	
JO ANN GIROD	*	SECTION:	
	*	VIOLATIONS:	<i>18 USC §1347</i>
			<i>18 USC §2</i>
	*	*	*

The Grand Jury charges that:

COUNTS 1 THROUGH 9

A. AT ALL TIMES MATERIAL HEREIN:

1. A New Beginning of New Orleans, Inc. (**ANBNO**), was a Louisiana corporation that provided personal care services (PCS) services to Medicaid recipients. **JO ANN GIROD** was the parent of three minor children authorized to receive Medicaid benefits.

2. Medicaid is a public insurance (assistance) program that provides health care coverage to low-income families and persons with medical disabilities. The Louisiana Department of Health and Hospitals (DHH) administers the Medicaid program in Louisiana. UNISYS Corporation acts as a fiscal intermediary, to process Medicaid claims, and to make reimbursement to providers for rendering services.

3. DHH enters into “Provider Agreements” with entities providing medical or medically-related services. By virtue of the provider agreement, these entities are certified as eligible Medicaid providers who are reimbursed by DHH for services rendered to Medicaid recipients, in accordance with rates that are established by DHH.
4. Medicaid has an Early and Periodic Screening, Diagnosis and Treatment (EPSDT) Program that covers children’s medical services. One group of services provided to eligible recipients meeting the medical necessity criteria for the services under EPSDT is PCS. PCS are provided by attendants to persons who are unable to care for themselves.
5. PCS must be provided through a licensed Personal Care Attendant Medicaid provider. ANBNO was licensed as a Medicaid Provider to provide PCS.
6. A physician must prescribe PCS. As part of the process for prescribing PCS, a “plan of care” had to be created. The plan of care was signed by the physician and specified the services to be provided, that is, the activities of daily living for which assistance is needed, and the duration of the services.
7. The purpose of ordering PCS services was to prevent institutionalization of the recipient, and to enable the recipient to be treated on an outpatient basis, rather than an inpatient basis. The physician certification for PCS, a 90-L form, was equivalent to certifying the medical necessity of placing a patient in an Intermediate Care Facility 1 (ICF-1), and that the patient was impaired in at least 2 activities of daily living tasks. ICF-1 is a medical level of care provided to Medicaid recipients residing in a nursing facility.

B. THE SCHEME

Beginning on or about April 28, 2001, and continuing until on or about February 16, 2005, in the Eastern District of Louisiana and elsewhere, the defendant, **JO ANN GIROD**, did knowingly and willfully execute and attempt to execute a scheme and artifice to defraud Medicaid and to obtain, by means of false and fraudulent pretenses, representations, and promises, money owned by, and under the custody and control of, Medicaid, in connection with the delivery of and payment for health care benefits and services.

As a part of the scheme and artifice to defraud, false time sheets were made to create the appearance that the ANBNO workers were providing PCS to Medicaid recipients. PCS Daily Schedules were falsified to create the appearance that assistance with performing activities of daily living was being provided to Medicaid recipients. In fact, ANBNO workers were not providing any PCS to the Medicaid recipients, and the false documentation was created solely to support the Medicaid billing.

In furtherance of the scheme to defraud, **JO ANN GIROD** signed false time sheets and PCS Daily Schedules for ANBNO for services she claimed to have witnessed and authorized for her children between April 28, 2001, and February 16, 2005.

Between April 28, 2001, and February 16, 2005, the defendant, **JO ANN GIROD**, signed forms and represented that ANBNO workers provided PCS to her children. In return for her actions, ANBNO workers paid **JO ANN GIROD** half of their earnings in cash kickbacks for allowing them to use her children's Medicaid information so that false billing could be submitted to Medicaid. As a result of her actions, Medicaid paid ANBNO approximately \$65,131.

C. THE EXECUTIONS

In furtherance of the scheme and artifice to defraud, **JO ANN GIROD** signed false documents indicating that PCS was rendered to the following Medicaid recipients (her children), for the times indicated which documentation was used by ANBNO to support claims for payment from Medicaid:

Count	Date Claim Paid	Dates of Services	Claim Number	Recipient
1	12/28/04	10/31/04 - 12/15/05	4358150818600	AnBu (boy)
2	01/04/05	12/23/04 - 12/29/04	4365150901100	AnBu (boy)
3	01/11/05	12/30/04 - 01/05/05	5006151006900	AnBu (boy)
4	12/21/04	12/09/04 - 12/15/04	4351151044700	AnBu (girl)
5	01/04/05	12/23/04 - 12/29/04	4365150901000	AnBu (girl)
6	01/11/05	12/30/04 - 01/05/05	5006151006800	AnBu (girl)
7	12/21/04	12/09/04 - 12/15/04	4351151046500	CaGi
8	01/04/05	12/23/04 - 12/29/04	4365150902700	CaGi
9	01/18/05	01/06/05 - 01/12/05	5012151067700	CaGi

All in violation of Title 18, United States Code, Sections 1347 and 2.

ASSET FORFEITURE

The allegations contained in Counts 1 through 9 are hereby realleged and incorporated by reference for the purpose of alleging forfeiture to the United States of America pursuant to the provisions of Title 18, United States Code, Section 982.

As a result of the offenses alleged in Counts 1 through 9, the defendant, **JO ANN GIROD**, shall forfeit to the United States pursuant to Title 18, United States Code, Section 982(a)(7), any and all property, real and personal, that constitutes, or is derived directly or

indirectly, from gross proceeds traceable to the commission of the offenses as a result of the violations of Title 18, United States Code, Section 1347, which are Federal Health Care offenses within the meaning of Title 18, United States Code, Section 24.

If any of the property subject to forfeiture, as a result of any act or omission of the defendants,

1. cannot be located upon the exercise of due diligence;
2. has been transferred, sold to, or deposited with, a third person;
3. has been placed beyond the jurisdiction of the Court;
4. has been substantially diminished in value; or
5. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p) as incorporated by Title 18, United States Code, Section 982(b) to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property;

All in violation of Title 18, United States Code, Section 982(a).

A TRUE BILL:

F O R E P E R S O N

JIM LETTEN
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New Orleans, Louisiana
December 17, 2009